

### **III. CORRECTED GROUPING OF THE CLAIMS**

Group 1: Claims 1-5, 11-15, and 17-25.

Group 2: Claims 6-8, 10, and 16.

Within each group, the claims stand and fall together. The new grouping of claims adds claim 19 to Group 1, and removes claim 9 from Group 2 (as indicated by the Examiner in the Examiner's Answer at page 2).

Claim 9 has been indicated by the Examiner as being allowable.

### **IV. REPLY TO EXAMINER'S ANSWER REGARDING ISSUE A**

The Examiner has improperly introduced a new reference (U.S. Publication No. 2003/0071295 to Keeth) as demonstrating that the "claimed dimension was known to the prior art at the time of filing." The introduction of the new reference, Keeth, at this stage is improper. The final rejection is an obviousness rejection of the claims over Aoki and Chu. Introducing Keeth into the mix at this point constitutes a new ground of rejection over Aoki, Chu, and Keeth.

Moreover, Keeth has a publication date of April 27, 2003. The present application has a priority date earlier than April 17, 2003. Therefore, Keeth is disqualified as prior art under 35 U.S.C. § 103(c), because the present application and Keeth were, at the time the invention was made, owned by the same person (Micron Technology, Inc.). *See* MPEP § 706.02 (1)(2) at 700-53. Applicant respectfully requests the withdrawal of Keeth as a reference against the claimed invention. The Examiner also attached U.S. Patent No. 6,084,307 (also by Keeth) to the Examiner's Answer. Applicant submits that the introduction of Keeth '307 at this stage is also improper. Keeth '307 is also disqualified under § 103(c) as a prior art reference, as the present